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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 Charles Stewart,

12 Plaintiff,

13 v.

14 FCA US LLC, et al.,

15 Defendants.
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No. 2:20-cv-02230-KJM-CKD

ORDER

17 This court recently imposed monetary sanctions after counsel did not comply with an
18 order to file a joint pretrial statement. ECF No. 26. In the same order, the court directed the
19 parties to show cause why an additional monetary sanction should not be imposed. *Id.* Defense
20 counsel responded to the second order shortly after the deadline for a response, and they paid the
21 monetary sanction imposed in the first order. Defense counsel explained their previous
22 nonresponse as inadvertence, and they ascribed the parties' silence to a focus on settlement
23 discussions. *See generally* Shepardson Decl., ECF No. 28. Plaintiff's counsel has not responded
24 to either order and has not paid the monetary sanction, but the parties have filed a notice of
25 settlement and a stipulation of dismissal. ECF No. 27.

26 An attorney's failure to comply with an order to file a joint pretrial statement may seem,
27 to him, a harmless fault, especially if he is negotiating with his opposing counsel and expects
28 those negotiations to make a trial unnecessary. But trial courts must set schedules and plan for


1 trials well in advance. The administrative tasks that arise when a party does not comply with a
2 court order are, alone, rarely time-consuming. Added together, however, across the hundreds of
3 cases assigned to each of the judges in this district, even minor tasks become burdensome. Think
4 of the administrative staff, nurses, doctors, and others who work in busy emergency departments.
5 If their patients leave after initially reporting serious and urgent conditions, then those staff
6 members, nurses, and doctors may spend time looking for the departed patients when they could
7 instead have given their time to another patient. Attorneys and their clients serve one another, the
8 court, and other litigants when they take court orders seriously. A sanction is not an expression of
9 a judge's indignation at a party's failure to respond or comply; it is an essential part of a system
10 stretched thin—one that functions only if attorneys comply with court orders and inform the court
11 of new developments. If a trial is likely to become unnecessary, an attorney can and should say
12 so. He should not assume the court will read between the lines and set his case to the side.

13 The court therefore orders as follows:

- 14 • The order to show cause at ECF No. 26 is **discharged in part as to defense**
15 **counsel**. Defense counsel should have submitted timely responses and reports and
16 should have alerted the court to the parties' settlement discussions, and the court
17 expects they will in the future.
- 18 • Plaintiff's counsel is directed to pay the total outstanding \$750 monetary sanction
19 to the Clerk of Court **within fourteen days**. Failure to comply with this order may
20 result in additional sanctions, including additional monetary sanctions and an order
21 suspending admission to practice in this District. *See* E.D. Cal. L.R. 180(e) ("No
22 attorney admitted to practice before this Court shall engage in any conduct that . . .
23 interferes with the administration of justice.").

24 IT IS SO ORDERED.

25 DATED: July 10, 2023.

26 
CHIEF UNITED STATES DISTRICT JUDGE